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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,643

10/15/2003

David Morrow

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EXAMINER

CHAMBERS, MICHAEL S

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

06/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/605,643	Applicant(s) MORROW ET AL.	
	Examiner MIKE CHAMBERS	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Thorp (446901) and Oliver (2031384). Applicant admits that the use of a hollow metal handle made of aluminum or titanium is well known in the art (paragraph 3 of specification) however it fails to disclose the use of inner shafts to strengthen the handle. Thorp discloses the use of end bushings to strengthen hollow metal tubes at the ends of the handles is old in the art (fig 1, 1:22-46,1:100-2:05) however Thorp does not clearly disclose the use of a hollow metal tube to reinforce the handle. Oliver discloses the use of a hollow metal tube to reinforce the handle (fig 2, 1:47-50). At the time the invention was made, it would have been an obvious to a person of ordinary skill in the art to have utilized the reinforcement means shown in Oliver and Thorp with the lacrosse handle in order to increase the satisfaction of the player by increasing the structural strength of the handle to prevent damage to the handle caused by normal impact from playing the game and to lighten the weight of the device by using hollow reinforcements. The insert would naturally absorb the vibrations during use.

As to claims 36 and 37: Applicant admits that the use of a hollow metal handle made of aluminum or titanium is well known in the art (paragraph 3 of specification) .

As to claim 38 : Thorp discloses using a uniform wall thickness (fig 5).

As to claim 39 : Because the Applicant has not disclosed that using fiberglass as an insert, provides an advantage, is used for a particular purpose, or solves a stated problem. Therefore, it would have been an obvious matter of design choice to utilize any one of several equivalent materials to reinforce the handle based on cost and design considerations to improve the satisfaction of the user.

As to claims 40 and 45: See claim 35 rejection.

As to claims 41 and 46: See claim 36 rejection.

As to claims 42 and 47: See claim 37 rejection.

As to claim 43: See claim 38 rejection.

As to claims 44 and 48: See claim 39 rejection.

Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over the cited art above, and further in view of Brine et al (6752730). Brine discloses the use of a lacrosse head (fig 1). At the time the invention was made, it would have been an obvious to a person of ordinary skill in the art to utilize the handle with the lacrosse head in order to provide the player with a stronger shaft to prevent bending and increase the satisfaction of the user. The insert would naturally absorb the vibrations during use.

Also,

Claims 35-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Oliver (2031384) and Harmala et al (5320386). Applicant admits that the use of a hollow metal handle made of aluminum or titanium is well known in the art (paragraph 3 of specification) however it fails to disclose the use of inner

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shafts to strengthen the handle. Oliver discloses the use of hollow metal tubes in handles is old in the art (fig 2, 1:47-50). Harmala et al discloses using reinforcing inserts to strengthen the handle (4:31-52). At the time the invention was made, it would have been an obvious to a person of ordinary skill in the art to have utilized the reinforcement means shown in Oliver and Harmala et al with the lacrosse handle in order to increase the structural strength of the handle to prevent damage to the handle caused by normal impact from playing the game. Because the Applicant has not disclosed that forming the handle in a polygon shape or having two inserts, provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the handle taught by Harmala or the claimed polygon handle with two inserts because both handles perform the same function of providing means to hold and use the lacrosse head. Therefore, it would have been an obvious matter of design choice to utilize any one of several equivalent handle cross sections based on cost and design considerations. The insert would naturally absorb the vibrations during use.

As to claims 36 and 37: Applicant admits that the use of a hollow metal handle made of aluminum or titanium is well known in the art (paragraph 3 of specification) .

As to claim 38 : Harmala discloses using a uniform wall thickness (fig 2).

As to claim 39 : Harmala discloses using a variety of materials (4:37-41).

Because the Applicant has not disclosed that using fiberglass as an insert, provides an advantage, is used for a particular purpose, or solves a stated problem. Therefore, it

would have been an obvious matter of design choice to utilize any one of several equivalent handle cross sections based on cost and design considerations.

As to claims 40 and 45: See claim 35 rejection.

As to claims 41 and 46: See claim 36 rejection.

As to claims 42 and 47: See claim 37 rejection.

As to claim 43: See claim 38 rejection.

As to claims 44 and 48: See claim 39 rejection.

Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over the cited art above, and further in view of Brine et al (6752730). Brine discloses the use of a lacrosse head (fig 1). At the time the invention was made, it would have been an obvious to a person of ordinary skill in the art to utilize the handle with the lacrosse head in order to provide the player with a stronger shaft to prevent bending and increase the satisfaction of the user.

Response to Arguments

Applicant's arguments with respect to claims 35-51 have been fully considered but they are not persuasive.

The applicant argues that the cited art (Thorp) is non-analogous. One of ordinary skill in the handle art would be well aware of the art of Thorp. The instant invention consists of inserting two bushings as noted in the Thorp art into the ends of a hollow shaft. This is old in the art.

The applicant argues that the cited art (Oliver) is not one homogeneous handle. One of ordinary skill in the handle art would be well aware of homogeneous or sectional handles and would incorporate the bushings into each end to strengthen the shaft.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5320386*2031384*3702702

Michael Chambers
Examiner
Art Unit 3711

June 23, 2008

/Gene Kim/SPE3711